



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

JENUWEIN *et al.*

Appl. No. 10/773,302

Filed: February 9, 2004

For: **Chromatin Regulator Genes**

Confirmation No.: 8734

Art Unit: 1634

Examiner: Martinell, J.

Atty. Docket: 0652.1670002/EKS/JKM

Reply to Restriction Requirement

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Restriction Requirement dated **March 15, 2006**, Applicants hereby provisionally elect Group I, claims 20-32, drawn to nucleic acids encoding SEQ ID NO: 2 (i.e., protein EZH2), vectors, methods of producing vectors, transformed cells, and methods for producing polypeptides of SEQ ID NO:2, with traverse.

Although Groups I and II are alleged by the Examiner to be patentably distinct, they are directed to similar, overlapping subject matter. According to M.P.E.P. Section 803: "If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." M.P.E.P. § 803 at 800-4. The subject matter of Groups I and II is clearly related as they are both directed to human chromatin regulator genes, therefore, searching these groups together would not place a serious burden on the examiner within the meaning of M.P.E.P Section 803.

In view of the comments presented above, Applicants respectfully request reconsideration of the restriction requirement, and that Groups I and II be examined together.

It is not believed that extensions of time are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor are hereby authorized to be charged to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



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Date: July 17, 2006

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